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Message Text

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ORIGIN SS-30

INFO OCT-01 ISO-00 /031 R

DRAFTED BY L/NEA:SCNELSON:S/CCT:JGATCH:PR
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S/CCT: AMB. HOFFACKER (DRAFT)
NEA/GRK:GTCHURCHILL
S/S - MR. LUERS
---------- 090336
R 012324Z MAR 74
FM SECSTATE WASHDC
TO AMEMBASSY ATHENS

S E C R E T STATE 041958

EXDIS

E.O. 11652: GDS
TAGS: PINS, PFOR, GR, US
SUBJECT: TERRORISM

REFS: A) ATHENS 1091; B) ATHENS 1158; C) ATHENS 1112

1. DEPT AGREES THAT WE SHOULD MAKE CLEAR REBUTTAL TO LATEST GOG POSITION ON TERRORISTS. AT SAME TIME, WE FEEL DISCUSSION HAS BECOME UNDULY THEORETICAL AND COMPLEX, WITH RESULT THAT THOSE IN GOG WHO FAVOR RELEASE OF TERRORISTS HAVE VARIETY OF TECHNICAL ARGUMENTS BEHIND WHICH TO HIDE. WE WOULD THEREFORE LIKE TO CLARIFY ISSUE AND REDUCE IT TO ITS SIMPLEST TERMS.

2. IN RESPONSE TO GOG NOTE TRANSMITTED PARA 2 ATHENS 1158, EMBASSY REQUESTED TO DELIVER NOTE TO MFA EMBODYING FOLLOWING TEXT: (REFERENCE TO MFA NOTE DATED FEBRUARY 20)

QUOTE: THE USG TAKES NOTE OF THE STATEMENT OF THE GOG THAT THE ENFORCEMENT OF THE LAWS OF THE REPUBLIC IS OF THE EXCLUSIVE DOMAIN OF THE GREEK GOVERNMENT, AND DOES NOT IN ANY WAY DISPUTE THAT PRINCIPLE. WHAT THE USG WISHES
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TO EMPHASIZE IS THAT IT EXPECTS GOVERNMENTS IN THE

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EXERCISE OF THEIR SOVEREIGN RIGHTS, POWERS AND RESPONSI-
BILITIES, TO FULFILL THEIR OBLIGATIONS TO OTHER MEMBERS OF

THE WORLD COMMUNITY. IN PARTICULAR, IT EXPECTS GOVERN-
MENTS TO TAKE SUCH MEASURES AS MAY BE NECESSARY TO PRO-
TECT INNOCENT PERSONS, INCLUDING UNITED STATES CITIZENS,
FOR UNCONSCIONABLE ACTS OF VIOLENCE, WHETHER IN THEIR
TERRITORY OR ELSEWHERE, IF IT IS WITHIN THEIR POWER TO DO
SO. THE USG CONSIDERS THAT THE RELEASE OF CONVICTED
PERPETRATORS OF SUCH ACTS OF VIOLENCE WOULD BE CONTRARY
TO THIS OBLIGATION OF MEMBERS OF THE COMMUNITY OF NATIONS.
END QUOTE.

3. WE DO NOT BELIEVE IT DESIRABLE AT THIS TIME TO COMPLI-
CATE ISSUE BY GETTING INTO QUESTION OF COMPENSATION OF
VICTIMS. WE ARE NOT AT ALL SURE THAT THERE IS BASIS FOR
GOG LIABILITY HERE, ALTHOUGH IT IS CONCEIVABLE THAT
PRIVATE CLAIMANTS MIGHT DEVELOP ONE IN FUTURE.

4. RE FOREIGN MINISTER'S SUGGESTION (REF C) THAT USG
ACTION IN THIS CASE COULD IN SOME WAY BE DETRIMENTAL TO
U.S. EFFORTS BRING ABOUT MIDDLE EAST SETTLEMENT, EMBASSY
MAY WISH POINT OUT THAT OUR POSITION ON TERRORISM HAS
BEEN CONSISTENT IN EVERY FORUM - BILATERAL OR MULTI-
LATERAL. WE HAVE MADE REPRESENTATIONS SPECIFICALLY TO
ARAB GOVERNMENTS OF KUWAIT AND SUDAN RE TERRORISTS IN
THEIR CUSTODY, AND HAVE MADE GENERAL REPRESENTATIONS TO
ALL OTHER ARAB GOVERNMENTS WITH WHOM WE HAVE RELATIONS
REGARDING THE PROTECTION OF DIPLOMATS CONVENTION ADOPTED
AT THE RECENT UNGA AND REGARDING THE PROPOSED ENFORCEMENT
CONVENTION AT THE SEPTEMBER ICAO CONFERENCE IN ROME.
FACT THAT WE ARE URGING GOG TO INSURE THAT CONVICTED
MURDERERS ARE ADEQUATELY PUNISHED WOULD IN OUR VIEW COME
AS NO SURPRISE TO ARAB GOVERNMENTS AND WOULD HAVE NO
EFFECT ON OUR EFFORTS ACHIEVE MIDDLE EAST SOLUTION.

5. FOR EMBASSY'S BACKGROUND, RE SUGGESTION PARA 2 REF A,
WE DO NOT RPT NOT CONSIDER THAT THERE IS ANALOGY BETWEEN
"ROME FIVE" CASE IN KUWAIT AND POSITION IN WHICH GOG
FINDS ITSELF. "POLITICAL OFFENSE" ARGUMENT UPON WHICH
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SOME GOG OFFICIALS HAVE SEIZED APPLIES ONLY TO EXTRA-
DITION CASES. ITS PURPOSE IS TO DEAL WITH SITUATION IN
WHICH REQUESTED STATE BELIEVES REQUESTING STATE WOULD
PUNISH EXTRADITED INDIVIDUAL FOR ESSENTIALLY POLITICAL
REASONS, AND REQUESTED STATE IS NOT WILLING TO BE A PARTY
TO THAT PUNISHMENT. "POLITICAL OFFENSE" CONCEPT IS
CLEARLY A RED HERRING IN PRESENT CONTEXT. NO ONE HAS
SUGGESTED THAT GOG, IF I FOLLOWED ITS NORMAL LEGAL

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PROCEDURES, WOULD BE PUNISHING TERRORISTS FOR POLITICAL

REASONS. THEY WOULD BE TREATED LIKE ANY OTHER PERSONS CONVICTED OF MURDER IN GREECE. "POLITICAL OFFENSE" DOCTRINE SIMPLY HAS NO APPLICATION TO CASE OF THIS TYPE.

6. OUR POSITION ON THIS ISSUE NOT BASED ON LEGAL TECHNI-CALITIES BUT ON STRAIGHT-FORWARD COMMON SENSE. ATTACK AT ATHENS AIRPORT WAS CERTAINLY A VIOLATION OF GREEK LAW, AS CONFIRMED BY COURT CONVICTION. WE ASSUME NEW GOG NOT TAKING THE VIEW THAT ANY CRIMINAL ACTIVITY, SUCH AS ASSASSINATION, IS AUTOMATICALLY PARDONABLE UNDER GREEK LAW IF MOTIVE WAS POLITICAL. IF THESE PRISONERS WERE RELEASED BECAUSE OF POLITICAL NATURE OF THEIR MOTIVES, WE COULD ONLY INFER THAT GOG PREPARED TO TOLERATE POLITICALLY-MOTIVATED VIOLENCE IF IT IS SYMPATHETIC TO CAUSE. USG FINDS THIS APPROACH TOTALLY UNACCEPTABLE.

7. IN ANY FUTURE DISCUSSIONS, SUGGEST YOU AVOID BEING DRAWN INTO ESSENTIALLY IRRELEVANT TECHNICAL DEBATE AS TO WHETHER ACTS IN QUESTION WOULD CONSTITUTE "POLITICAL OFFENSE" WHICH, HYPOTHETICALLY, WOULD JUSTIFY GOG IN REFUSING TO EXTRADITE TERRORISTS TO ANOTHER STATE FOR TRIAL. YOU SHOULD MAKE IT CLEAR WE DO NOT THINK THIS IS THE POINT. ISSUE IS WHETHER GOG IS PREPARED TO FOREGO NORMAL ENFORCEMENT OF ITS OWN LAWS FOR STRICTLY POLITICAL REASONS, TO POTENTIAL DETRIMENT OF SECURITY OF OTHER INNOCENT PERSONS. CASEY

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